



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BULLIVANT HOUSER BAILEY, PC
1415 L STREET
SUITE 1000
SACRAMENTO, CA 95814

COPY MAILED

MAY 28 2008

OFFICE OF PETITIONS

In re Application of :
Jerome O. BLOMBERG :
Application No. 10/620,673 : **DECISION ON PETITION**
Filed: July 15, 2003 :
Attorney Docket No. 30132/00002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 2008 and supplemental petition filed May 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 10, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$720 and Publication Fee of \$300; (2) the petition fee of \$770; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in cursive script, appearing to read "April Wise".

April Wise
Petitions Examiner
Office of Petitions